

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventorship.....Shen  
Assignee ..... Microsoft Corporation  
Group Art Unit .....2613  
Examiner .....LE, VU  
Attorney's Docket No. .... MS1-1806US  
Title: COLOR SPACE CODING FRAMEWORK

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

To: Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

From: Tim R. Wyckoff (Tel. 206.315.4001 x110; Fax 206.315.4004)  
**Customer No. 22801**  
Lee & Hayes PLLC  
421 W Riverside Avenue, Suite 500  
Spokane, WA 99201

**REMARKS**

The Pre-Appeal Panel (hereinafter "Panel") is respectfully requested to consider this Request, which is submitted in accordance with the Pre-Appeal Brief Conference Program rules. A summary of the rejected claims rejected is provided in the Office Action dated October 18, 2005, on pages 2 and 6 thereof. The Panel is requested to reconsider the rejections of record in view of the following remarks.

**Rejection of Claims 1, 11, 19, 26 and 30**

Independent Claim 1 includes the subject matter: "wherein the enhanced information stream is selectively encoded using spatial information obtained from processing of the base information stream or using a previous reference obtained during processing of the enhanced information stream." Independent Claims 11, 19, and 30

1 include similar subject matter as well. Independent Claim 26 includes the subject matter:  
2 “wherein the enhanced decoder selectively decodes the enhanced information stream  
3 using spatial information obtained from processing of the base information stream or  
4 using a previous reference obtained during processing of the enhanced information  
5 stream.”

6 On page 3 of the October 18, 2005 Office Action, the Office asserts column 8,  
7 lines 54-64 and column 23, lines 23-35 teach the indicated subject matter of the  
8 independent claims. Applicant disputes the Office’s assertions for the following reasons.

9 The Office asserts Tahara (U.S. Patent No. 5,412,428) teaches an enhanced  
10 information stream that is selectively encoded using spatial information obtained from  
11 processing of a base information stream, or using a previous reference obtained during  
12 processing of the enhanced information stream. To substantiate this assertion, the Office  
13 maintains that a data stream of a circuit 101 is selectively encoded by way of a select  
14 circuit 176. According to the Office, the select circuit 176 selects a predictive error from  
15 a data stream produced by a circuit 100, or a predictive error from “a previous reference  
16 of 101.” Regarding the quoted text, the Applicant is not entirely sure what the Office is  
17 trying to convey. The Applicant assumes the Office is asserting that the select circuit 176  
18 is capable of selecting a predictive error that is generated by a circuit 101. The Office  
19 was requested to clarify the quoted text, but the Office has not responded to the  
20 Applicant’s request. The preceding discussion is a summary of the Office’s assertions  
21 found on page 3, second full paragraph, of the current Office Action.

22 The Applicant will now describe how the instant claimed invention differs from  
23 the Tahara encoding and decoding methods. The circuit 101 is for processing color  
24 difference signals with intermediate definition, where the circuit 100 is for processing  
25 color difference signals with the lowest definition. (See column 22, lines 48-53.) The

Office is equating the intermediate definition signals to the “enhanced information stream” of the claims, and the lowest definition signals with the “base information stream” of the claims. According to the Tahara description at column 23, lines 23-35, the select circuit 176 chooses between predictive error signals produced from an up sampling circuit 111 and predictive error signals produced from a motion compensating circuit 175. The circuit 101, which processes the intermediate definition signals, includes both the up sampling circuit 111 and the compensating circuit 175. (See Fig. 19).

The up sampling circuit 111 and the motion compensation circuit 175 produce the mentioned predictive error signals from the color difference signals that have intermediate definition. This is described in the Tahara patent at column 23, lines 1-5. The color difference signals with the lowest definition, which the Office suggests are similar to the base information stream of the claims, are not used to produce the predictive error signals from the circuit 101. Tahara confirms this fact by stating that the operation of the circuit 100 is not discussed in conjunction with the circuit 101. (See column 22, lines 63-65.) Recall, the circuit 100 processes the color difference signals with the lowest definition, which the Office is likened to the “base information stream” of the rejected claims. (See column 22, lines 51-53.)

The above shows that the Office’s reasoning for finding claims 1, 11, 19, 26 and 30 unpatentable lacks merit. In particular, Tahara is unable to teach the recitation “the *enhanced information stream* is selectively encoded using spatial information obtained from the processing the *base information stream*” (claims 1, 11, 19, and 30; emphasis added), or the recitation “the enhanced decoder selectively decodes the *enhanced information stream* using spatial information obtained from processing of the *base information stream*” (claim 26; emphasis added). The predictive error signals produced from the up sampling circuit 111 and the predictive error signals produced from a motion

compensating circuit 175 are not produced using signals from the circuit 100 (i.e., the circuit that processes the signals with the lowest definition); only signals from the circuit 101 (i.e., the circuit that processes the signals with the intermediate definition) are used to produce the predictive error signals generated by the circuits 111 and 175. Therefore, signals with the lowest definition are not used to produce the predictive error signals that may be used to encode the signals with the intermediate definition.

Regarding the claim recitation that teaches encoding the enhanced information stream “using a previous reference obtained during processing of the enhanced information stream” (claims 1, 11, 19, and 30), and the recitation that teaches an enhanced decoder that selectively decodes “using a previous reference obtained during processing of the enhanced information stream” (claim 26), Applicant respectfully submits that the Tahara is deficient in connection with these limitations as well.

Specifically, Tahara describes that the select circuit 176 compares predictive error signals output from the up sampling circuit 111 to predictive error signals output from the motion compensation circuit 175. (See column 23, lines 24-28.) These predictive error signals are generated based on current processing of signals with intermediate definition; using a previous reference from the processing of signals with intermediate definition is not disclosed by Tahara. The smaller predictive error signals are chosen based on the comparison by the select circuit 176. (See column 23, lines 28-29.) The chosen smaller predictive error signals are used for encoding and decoding the intermediate definition signals. This disclosure may not be construed as teaching encoding/decoding the enhanced information stream “using a previous reference obtained during processing of the enhanced information stream.”

Therefore, the Panel is respectfully requested to reconsider and withdraw the rejection of claims 1, 11, 19, 26 and 30 under § 102.

1 **Rejection of Claim 4 and 14**

2 The Office maintains column 23, lines 50-60 teach the subject matter of claim 4.  
3 Applicant disagrees for the following reasons. The claims recite “encoding the base  
4 information stream into a base encoded bit stream, encoding the enhanced information  
5 stream into an enhanced encoded bit stream, and combining the base encoded bit stream  
6 and the enhanced encoded bit stream into an output bit stream.” The disclosure relied  
7 upon by the Office describes using a select circuit 176 to select any one of the predictive  
8 picture signals output from circuits 111 and 175; the selected signal is flagged. The  
9 signal is then “composed” with data output from circuit 100 and 101. However, nothing  
10 in Tahara indicates that the signals composed underwent any form of encoding before the  
11 “composed” process occurred. Therefore, the Panel is respectfully requested to reconsider  
12 and withdraw the rejection of claims 4 and 14 under § 102.

13 The remaining claims are at least allowable due to their dependence on an  
14 allowable independent claim.

15 **Conclusion**

16 Claims 1, 4-19, 21-26 and 28-34 are in condition for allowance. Applicant  
17 respectfully requests reconsideration and prompt allowance of the subject application.

18  
19 Respectfully Submitted,

20 Date: 5-20-2006

21 By: 

22 Tim R. Wyckoff  
23 Lee & Hayes, PLLC  
24 Reg. No. 46,175  
25 (206) 315-4001 ext. 110